

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**RICHARD L. COX, TRUSTEE**

**PLAINTIFF**

v.

**No. 4:12-cv-00331 KGB**

**MOMAR, INCORPORATED AND  
JOHN DOE I, II, AND III**

**DEFENDANTS**

**ORDER**

This matter was filed as an adversary proceeding in the Affiliated Foods bankruptcy, which is currently pending in the United States Bankruptcy Court for the Eastern District of Arkansas. It is one of many actions brought by plaintiff Richard L. Cox, the Chapter 7 trustee, to avoid allegedly preferential transfers. By order dated May 31, 2012, the bankruptcy court transferred the case to this Court upon defendant Momar, Incorporated's ("Momar") request for a jury trial. Momar does not consent to having the bankruptcy judge preside over the trial of this matter, and it has not filed a proof of claim in the bankruptcy action.

In an order dated October 31, 2012, this Court found that judicial economy would be served by the bankruptcy court conducting all pretrial proceedings and concluded that the bankruptcy court would maintain the reference until the time of trial. The Court directed the bankruptcy court to notify this Court when the matter was ready for trial.

The Court now withdraws the entire reference immediately. This Court will take up the pending motion for partial summary judgment (Dkt. No. 5). A new scheduling order setting this matter for jury trial will be entered by separate order.

SO ORDERED this 28<sup>th</sup> day of November, 2012.

  
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Kristine G. Baker  
United States District Judge